

ORDINANCE NO. 589

Amending the Code of the Village of Waterford, Chapter 76, to Create a Heritage District Design Committee, and Chapter 245, to Adopt Design Guidelines in the Waterford Heritage Overlay District, to Require Permits for Exterior Changes to Certain Buildings, to Define the Duties of the Heritage District Design Committee and to Require Its Review and Approval Prior to the Issuance of Permits for Changes to Certain Buildings, to Amend the Uses Allowed in the District; and Adding Definitions and Regulations for Signs and Preexisting Nonconforming Signs

The Village Board of the Village of Waterford, Racine County, Wisconsin, do ordain as follows:

I. That Chapter 76 of the Code of the Village of Waterford, Racine County, Wisconsin, **Village Board**, Section 76-11, **Standing Committees**, subsection A, Appointment, subsection (5), **Heritage District Design**, is hereby created as follows:

76-11A(5). Heritage District Design. This Committee shall be comprised and have the powers and duties set forth in s. 245-27 of this Municipal Code.

II. That Chapter 245 of the Code of the Village of Waterford, Racine County, Wisconsin, **Zoning**, Section 245-9, **Terms Defined**, is hereby amended to add the following definition:

FIXTURE – An article in the nature of Personal Property which has been so annexed to the realty that it is regarded as a part of the real property. That which is fixed or attached to something permanently as an appendage and is not removable. A thing is deemed to be affixed to real property when it is attached to it by roots, imbedded in it, permanently resting upon it, or permanently attached to what is thus permanent, as by means of cement, plaster, nails, bolts, or screws.

Goods are fixtures when they become so related to particular real estate that an interest in them arises under real estate law, e.g. a furnace affixed to a house or other building, counters permanently affixed to the floor of a store, or a sprinkler system installed in a building. A sign permanently affixed to the land or a structure is a fixture.

III. That Chapter 245 of the Code of the Village of Waterford, Racine County, Wisconsin, **Zoning**, Section 245-27, **Waterford Heritage Overlay District**, is hereby repealed and recreated as follows:

245-27. Waterford Heritage Overlay District.

There shall be a Waterford Heritage Overlay District, which shall consist of all of that land within the Village which lies within the Village which lies within 1,200 feet in every direction from the center of the Main Street Bridge over the Fox River, as shown on the attached map.

Editor's Note: The map of the Waterford Heritage Overlay District is on file in the Village

offices.

- A. Purpose. It is recognized that lands laid out and buildings erected prior to the enactment of subdivision and zoning ordinances in the Village, while their existing uses and lot sizes are grandfathered, may contain buildings which, because of their history or architecture, may be suitable for purposes falling outside of existing allowed uses. In addition, the improvements existing in this area rarely conform to current, modern setbacks or yard area requirements, and the enforcement of these requirements may not preserve the character of the area. This zoning classification is intended to allow flexibility in allowing the use and, for certain uses, the site plan of a property which may not precisely conform to the uses and site layouts permitted in the underlying district, but which, because of the lot layout, building history or architecture, or other valid reason, may be suitable for an alternate use or site plan layout.
- B. Uses.
 - (1) Permitted use. All uses allowed in the underlying district are allowed in the Waterford Heritage Overlay District. The following uses are also allowed; provided, however, that such use shall not interfere with or be detrimental to the uses in the underlying district or a neighboring use.
 - (a) Bed-and-breakfast establishments as home occupations which provide not more than two bedrooms for rent with a maximum occupancy of four guests at any one time.
 - (b) Temporary seasonal gift or antique shop use of the property for not more than four days at any one time and not more than eight days of such use in any twelve-month period.
 - (c) Hybrid Uses. In an area where the underlying zoning is Business District, but the building was originally constructed for another use, a part of the premises may be used in conformance with the building's original use. In the event that the entire premises is to be used for the original or any other use that is not in conformance with the Business District zoning, the owner shall apply for a zoning amendment to change the underlying use.
 - (2) Conditional uses. Other uses similar to an underlying use with Village Plan Commission approval. The Plan Commission shall conduct a review, including, but not limited to, the site, existing and proposed structures, neighboring uses, parking areas, driveway location, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. No conditional use in the overlay district shall be approved unless the Plan Commission finds that the use is appropriate for the neighborhood, the site, and the building pursuant to the purpose set forth in this section.
- C. Area, height, side yard, setback, rear yard, lot area per family, and auto parking. Except

as they may be modified for certain uses pursuant to Subsection D of this section, or certain setback or yard requirements that must be met pursuant to the Design Guidelines adopted in Subsection E of this section, the area, height, side yard, setback, rear yard, lot area per family, and auto parking requirements shall be as set forth in the underlying district.

- D. Modification of Zoning Code requirements for school, municipal or institutional uses. For school, municipal, or institutional uses, the area, height, side yard, setback, rear yard, lot area per family, vision clearance triangle, parking and/or other area-type zoning requirements for a lot or site located within the overlay district may be modified under the following conditions. A use may not be authorized by a zoning modification permit.
- (1) Application for zoning modification permit. An application for a zoning modification permit shall be made to the Village Plan Commission and shall include the following where pertinent and necessary for proper review by the Village Plan Commission. The applicant shall submit the number of copies and attachments required by the Clerk.
 - (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, when engaged, and the property owners of record of all lands extending 100 feet immediately abutting or lying opposite of the subject site.
 - (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operator or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (c) Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Village Plan Commission, showing the location, property boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards.
 - (d) In addition, the plat of survey shall show the allocation, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines, types and slopes, ground surface elevations; and existing and proposed landscaping.
 - (e) Additional information, as may be required by the Village Board, Village Plan Commission, or Village Engineer.
 - (f) Conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting.

- (g) A detailed list of the zoning modifications sought.
- (2) Fees. Every applicant for zoning modification permit shall pay to the Clerk of the Village of Waterford a fee in an amount set by the Village Board specifically as and for the zoning modification permit application process, which fee shall assist the Village in covering the cost of investigation, administration, publication, and hearing. This fee shall be paid at the time of application and shall be retained by the Village regardless of the outcome on the application. This fee shall be in addition to any and all required permit fees within the various building codes of the Village of Waterford.
- (3) Public hearing. Upon application for a zoning modification permit, the Village Clerk shall establish a date for public hearing before the Plan Commission of the Village of Waterford, shall mail notice to the abutting property owners as listed in the application of the applicant, and shall publish the notice as a Class 2 notice.
- (4) The Village Plan Commission shall conduct a review, including, but not limited to, the site, existing and proposed structures, conformance with required Design Guidelines, neighboring uses, parking areas, driveway location, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Upon review and a public hearing by the Plan Commission, and its consideration of the following criteria, the Plan Commission shall make a recommendation regarding the issuance of the permit, and shall forward its recommendation to the Village Board. The criteria to be considered are:
 - (a) The determination as to whether the modification proposed is hazardous, harmful, or offensive, within the neighborhood or locale where proposed;
 - (b) Whether the modification proposed is adverse to the environment;
 - (c) Whether the modification proposed adversely affects the property value, the aesthetics, or the general well being of the neighborhood where proposed; and
 - (d) Whether the modification proposed presents safety or other issues that cannot be resolved.
- (5) Village Board consideration. The Village Board shall review the proposed modification and the recommendation of the Village Plan Commission, and shall determine whether to issue, issue with conditions, or deny the zoning modification permit. If written objection to the modification by is received from 20% or more of the property owners of record of all lands extending 100 feet immediately abutting or lying opposite of the subject site, the Village Board shall not issue said permit except by the favorable vote of three-fourths of the members of the Village Board.

- (6) Appeals. Appeals from the decision of the Village Board shall be made to the Board of Appeals pursuant to s. 245-54 of this Municipal Code, and the Board of Appeals shall have the power to hear and decide such matters.
- (7) Penalties.
 - (a) In every instance where work commences upon a project subject to this section, prior to the zoning modification permit being applied for and granted, there shall be a double fee imposed for the permit, and the applicant shall remain required to meet full compliance with this section.
 - (b) It shall be unlawful to use or improve any structure or land in violation of any of the provisions of the section. In addition to penalties imposed under Chapter 1, Article II, of this Code, the Village of Waterford may institute appropriate action to enjoin a violation of this section or to cause any structure so constructed or altered to be vacated or removed.

E. Design Guidelines.

- (1) Guidelines Adopted. The design standards set forth in the publication titled "Design Guidelines: Waterford Heritage Overlay District," as may be amended from time to time, are adopted by the Village of Waterford, are available at the Village Hall, and are published on the Village of Waterford website. These guidelines, which may be referred to as the Heritage District Guidelines, shall be used by the Village, the Plan Commission and the Heritage District Design Committee as design standards for properties located within non-residentially zoned areas lying within the Waterford Heritage Overlay District.
- (2) Purpose of Design Guidelines. The Heritage District Guidelines are intended to improve and protect the appearance, value, and function of downtown properties in the Waterford Heritage Overlay District by providing a welcoming atmosphere for area residents and visitors. The Guidelines allow for creativity and variety within a framework of basic design parameters that reinforce the best attributes of the historic downtown district.
- (3) Limitation on Structural or Appearance Changes and New Construction; Permit Required. There shall be no alteration in the architectural appearance or appearance of any structure, parking lot or open space area, or construction of any structure or parking lot, within the Waterford Heritage Overlay District, except in areas where the underlying zoning is residential, without the approval of plans for the alteration or construction by the Heritage District Design Committee or by the Plan Commission, as set forth in ss. 245-27E(4) and 245-27F. All alterations and construction shall be made in conformance with the Heritage District Guidelines as adopted in this section. For the purposes of this section, alterations shall include any exterior change (including painting), addition to, or demolition of all or any part of the exterior of a structure.

- (4) Mandatory Requirements.
- (a) Heritage District Guidelines that use the words “shall,” “must,” “no more than,” “prohibited,” or other commands, are requirements that must be met to obtain approval of proposed alterations or construction. All other guidelines are suggestions. Applicants that do not believe they can or should follow a required guideline may request that their application be directed to the Plan Commission after review by the Heritage District Design Committee.
 - (b) The requirements for a Heritage District Permit are in addition to all other permits required.
 - (c) Signs shall require permits as set forth in Article VI of this Chapter. The application for a sign permit for a permanent sign shall be referred to the Heritage District Design Committee for review as set forth in this Section for review and approval. Applications for temporary signs do not require Heritage District Design Committee review, but must meet the requirements set forth in the Heritage District Design Guidelines and the requirements set forth in Article VI of this Chapter.
- (5) Procedure.
- (a) Application for Heritage District Permit. An application for a Heritage District Permit shall be made to the Village Zoning Administrator and shall include the following where pertinent and necessary for proper review:
 - [1] Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - [2] Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operator or use of the structure or site; number of employees; and the underlying zoning district within which the subject site lies.
 - [3] Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale, showing the location, property boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. The plat of survey shall show the allocation, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; and

existing and proposed landscaping.

- [4] Details that include, where applicable, how the design will comply with each of the following sections of the Heritage District Guidelines: Pattern & Rhythm; Building Proportion; Building Setbacks; Building Height & Width; Segmentation of Building Facades; Facade Elements; Window & Door Openings; Materials; Color; Signage; Awnings; On-Site Parking; Open Space; Sustainability; and other information as may be required by the Zoning Administrator, the Heritage District Design Committee, and/or Plan Commission.
 - [5] A historic photograph of the building, if available. If the applicant does not have a historic photograph, the applicant is required to check with the Waterford Public Library, which has an online catalogue of historic photographs.
 - [6] An artist's rendering of the proposed improvements. Artist's renderings may be available from Absolutely Waterford, Inc., and if not available, the applicant must submit a sketch of the proposed improvements on a current photograph of the building, showing where the colors will be used, where the signs will be hung, what awnings would cover, etc.
 - [7] Conditions such as landscaping, type of construction, construction commencement and completion dates, and lighting.
- (b) Fees. Every applicant for Heritage District Permit shall pay to the Clerk of the Village of Waterford a fee in an amount set by the Village Board specifically as and for the permit application process, which fee shall assist the Village in covering the cost of investigation and administration. This fee shall be paid at the time of application and shall be retained by the Village regardless of the outcome on the application. This fee shall be in addition to any and all required permit fees within the various codes of the Village of Waterford and State of Wisconsin.
- (c) Review.
- [1] As used in this Section:

MAJOR ALTERATION means a significant change in the exterior structure or architectural appearance of a building or land, including but not limited to: a change in the roof pitch or structure; a change in a window or door shape, size or location; an addition to, or demolition of, any part or all of the exterior of a structure; or the replacement of exterior lighting fixtures or signs.

MAJOR APPLICATION means an application for review of all new construction and for Major Alterations.

MINOR ALTERATION means a change in the exterior of a structure or land including but not limited to: repainting; re-roofing with no change to the structure of the roof; window replacement without a change in the shape or location of the window; or the replacement of fixtures such as air conditioners.

MINOR APPLICATION means an application for review of new or revised permanent signage and Minor Alterations.

- [2] The Zoning Administrator shall conduct a brief review of the application, and shall determine whether the application includes new construction, a major alteration, signage, or a minor alteration, and whether it appears to be complete. In the event that it is incomplete, the Zoning Administrator shall return it to the Applicant. When complete, the Zoning Administrator shall label the application as a Major or Minor Application.
- [3] The Zoning Administrator shall forward the application to the Heritage District Design Committee for review. The Committee shall proceed pursuant to s. 245-27F.
- [4] If, after review of the application by the Heritage District Design Committee, the application is referred to the Plan Commission, the Plan Commission shall conduct a review for conformance with the Design Guidelines, and shall consider the recommendations of the Heritage District Design Committee. After review, the Plan Commission shall direct the Zoning Administrator to issue or deny a permit. If the permit is denied, the applicant may appeal the decision to, or apply for a variance from, the Board of Appeals.
- [5] Appeals. Appeals from the decision of the Plan Commission, or application for a variance, shall be made to the Board of Appeals pursuant to s. 245-54 of this Municipal Code, and the Board of Appeals shall have the power to hear and decide such matters. In making its determination for a variance, the Board of Appeals, in addition to the requirements set forth in s. 245-54, shall consider the following:
 - [a] No variance shall be permitted that would tend to destroy or seriously impair the particular character and quality of the Waterford Heritage Overlay District. No change or alteration (including painting) of a structure or site shall be permitted which destroys, seriously impairs, or

significantly alters its character in terms of its historical or architectural interest.

- [b] No variance shall be permitted if doing so would diverge from the purpose of the Guidelines as set forth in section 245-27E(2).
- [c] In order to obtain a variance, the applicant shall be required to show good cause for the variance, which shall include, but not be limited to, a showing that the required design feature cannot be met on the site; the requirement would create undue hardship for the applicant as compared to other properties in the district, or the intent of the Guidelines can be successfully met with an alternative design.

- (5) Government order for emergencies. Nothing contained in this chapter shall prohibit the making of necessary construction, reconstruction, alteration, or demolition of any improvement in the Heritage Overlay District pursuant to order of any governmental agency or pursuant to any court judgment for remedying emergency conditions determined to be dangerous to life, health, or property. In such emergency cases only, no approval from the Heritage District Design Committee or Plan Commission shall be required.

F. Heritage District Design Committee.

- (1) Purpose. The Heritage District Design Committee (HDDC) is intended to safeguard the Village's Heritage Overlay District and carry out the purpose of the Design Guidelines adopted in s. 245-27E. By doing so, the HDDC will stabilize and improve property values, promote civic pride in the beauty of the Heritage Overlay District, protect and enhance the Village for its residents, tourists and visitors and general welfare, and strengthen the economy of the Village.
- (2) Membership; terms; officers; vacancies.
 - (a) Membership and terms. The Heritage District Design Committee shall consist of seven or eight voting members appointed by the Village President for one year terms at the first meeting in May each year, subject to confirmation by the Village Board. Memberships shall consist of the following:

Two members of the Absolutely Waterford Design Committee;

One member of the Absolutely Waterford Economic Restructuring Committee;

An owner of a building located in the Heritage Overlay District;

An owner of a business located in the Heritage Overlay District;

A Realtor, banker, architect or similar professional;

A member of the Plan Commission, and if the Plan Commission member is not a Village Trustee, a Village Trustee shall also be a member;

The Building Inspector, who shall be an ex officio, non-voting member.

(b) Chairperson. The Village President shall appoint the Chairperson.

(c) Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(3) Meetings; Minutes; Quorum.

(a) Meetings. Regular meetings shall be held once per month, as necessary. Special meetings may be held at the call of the Chairperson of the Heritage District Design Committee or when requested by the Village Board or Plan Commission. Meetings shall be open to the public.

(b) Minutes. Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated in the minutes.

(c) Quorum. Quorum shall be four members when there are seven voting members, and five members when there are eight voting members, and all actions shall require the concurring vote of a majority of the members present.

(4) Powers. The Heritage District Design Committee shall have the power to review all construction, reconstruction, and exterior alteration of all non-residential properties in the Heritage Overlay District. No permit shall be issued to any owner or person in charge of a non-residential structure or site within the Heritage Overlay District, and no owner of a such a structure or site, shall reconstruct or alter all or any part of the exterior of such property, construct any improvement upon such designated property, or cause or permit any such work to be performed upon such property (including the placement of signage) unless a Heritage District Permit has been granted by the Heritage District Design Committee, or by the Plan Commission upon recommendation by the Heritage District Design Committee.

(5) Procedures. Applications for a Heritage District Permit shall be filed with the Heritage District Design Committee.

- (a) Minor Application. In the case of a minor application, within 60 days of submission of the application, the Heritage District Design Committee shall review the application based upon whether the proposed construction, reconstruction, or exterior alteration conforms to the objectives and design criteria of the Design Guidelines duly adopted by the Village and shall:
- [1] Direct the Zoning Administrator to issue the Heritage District Permit;
 - [2] Direct the Zoning Administrator to issue the Heritage District Permit with conditions;
 - [3] Reject the request for a Heritage District Permit; or
 - [4] Recommend that the matter be reviewed by the Plan Commission and state the reasons for the referral.
 - [5] In the event that an Applicant has requested Plan Commission review because the Applicant does not believe that it can or should follow a required guideline, the Heritage District Design Committee shall attach its recommendations regarding the request to its referral to the Plan Commission.
- (b) Major Application. In the case of a major application, within 60 days of submission of the application, the Heritage District Design Committee shall review the application based upon whether the proposed construction, reconstruction, or exterior alteration conforms to the objectives and design criteria of the Design Guidelines duly adopted by the Village and shall forward its recommendation to the Plan Commission for a final determination regarding the Heritage District Permit. The Heritage District Design Committee shall:
- [1] Recommend to the Plan Commission that it grant approval of the Heritage District Permit;
 - [2] Recommend to the Plan Commission that it approve the Heritage District Permit with conditions;
 - [3] Recommend to the Plan Commission that it reject the request for a Heritage District Permit; or
 - [4] Recommend to the Plan Commission that it require changes to the planned construction, reconstruction, or exterior alteration, and state the reasons therefore.

- (7) Other Duties. The Heritage District Design Committee shall make recommendations to the Village's Board of Appeals on all appeals and applications to the Board of Appeals regarding errors, variances, and interpretations relating to the Heritage Overlay District. Said recommendation to the Board of Appeals shall be made by the Heritage District Design Committee within 30 days of such request. The Committee shall perform such other tasks as may be assigned by the Village Board or Village Plan Commission.

G. Penalties.

- (1) In every instance where work commences upon a project subject to this section, prior to the Heritage District Permit being applied for and granted, there shall be a double fee imposed for the permit, and the applicant shall remain required to meet full compliance with this section.
- (2) It shall be unlawful to use or improve any structure or land in violation of any of the provisions of the section. In addition to penalties imposed under Chapter 1, Article II, of this Code, the Village of Waterford may institute appropriate action to enjoin a violation of this section or to cause any structure so constructed or altered to be vacated, removed, or altered.

IV. That Chapter 245 of the Code of the Village of Waterford, Racine County, Wisconsin, **Zoning**, Section 245-28, **Scope; preexisting signs; prohibited signs**, section A, is hereby amended as follows:

245-28A. Except as otherwise regulated herein, this article shall govern all outdoor signs and advertising structures or devices with respect to location, safety, size, construction, display, erection, attachment, support, anchorage and maintenance.

V. That Chapter 245 of the Code of the Village of Waterford, Racine County, Wisconsin, **Zoning**, Section 245-28, **Scope; preexisting signs; prohibited signs**, section B, Introduction, is hereby amended as follows:

245-28B [intro] Unless made applicable by the regulations for a specific zoning district, the regulations of this article shall not apply nor shall a permit be required for the following outdoor signs, advertising structures or devices:

VI. That Chapter 245 of the Code of the Village of Waterford, Racine County, Wisconsin, **Zoning**, Section 245-28, **Scope; preexisting signs; prohibited signs**, section C, is hereby amended as follows:

245-28C. Pre-existing nonconforming signs.

- (1) No outdoor sign, advertising structure or device erected prior to the date of enactment of or amendment to this article shall be rebuilt or relocated except in conformity with the regulations of this chapter.

- (2) A nonconforming permanent sign of any type must remain substantially the same as it was on the effective date of the regulation that rendered the sign nonconforming, and may not be enlarged. Reasonable repair and maintenance of the sign, including a change of advertising message, is not a change that would terminate nonconforming rights. Customary maintenance ceases and substantial change occurs if repairs or maintenance, excluding message changes, on a sign exceed 50% of the replacement costs of the sign.
- (3) A nonconforming permanent sign may remain in place as long as it is not destroyed, abandoned or discontinued. A nonconforming temporary sign may not remain in place except as may be set forth by ordinance.
 - (a) A permanent sign shall be considered destroyed if it is damaged in excess of 50% of its replacement cost.
 - (b) A sign is considered abandoned or discontinued if for a period of 12 months or longer it is composed of obsolete advertising matter or is without advertising matter or is in need of substantial repair. A sign may also be considered abandoned pursuant to s. 245-31B.
- (4) In any instance where a sign must be relocated because of a condemnation, the regulations of this article shall not apply, and the new location shall be determined pursuant to the sign ordinance in effect at the time of the original construction of the sign, subject to review by the Village Engineer.

VII. That Chapter 245 of the Code of the Village of Waterford, Racine County, Wisconsin, **Zoning**, Section 245-28, **Scope; preexisting signs; prohibited signs**, section D, is hereby amended as follows:

245-28D. When any outdoor sign, advertising structure or device, or a major part thereof, is blown down, destroyed, taken down or removed for any purpose, such structure or sign shall not be re-erected, reconstructed, rebuilt, replaced, or relocated except in conformity with the regulations of this chapter, except as otherwise set forth in s. 245-28C.

VIII. That Chapter 245 of the Code of the Village of Waterford, Racine County, Wisconsin, **Zoning**, Section 245-29, **Definitions**, sections SIGN, DISPLAY AREA, SIGN, PERMANENT, SIGN, TEMPORARY, are hereby created as follows, and sections SIGN AND TEMPORARY SIGN are hereby amended as follows:

SIGN – Any structure, device or display that is arranged, intended or designed as an announcement, declaration, demonstration, illustration, indication, symbol, insignia, banner or emblem and which is used for advertisement, identification or promotion when placed so as to be seen from out of doors by the general public. “Sign” includes not only the display area but also structural supports, uprights, bracing, framework and trim. This definition shall include searchlights and other lighted advertising displays.

SIGN, DISPLAY AREA – The display area of a sign shall be measured as the area, in square

feet, of the smallest rectilinear polygon, with a maximum of eight sides, that describes the portion of the sign which encloses all lettering, wording, design, and symbols together with any background that, through the use of illumination, color or other techniques, helps the sign stand out from its surroundings. Where a sign has multiple display surfaces and any two of these display surfaces are parallel and face in opposite directions, only one of the parallel display surfaces is included when calculating the display area. For an internally illuminated awning or marquee sign, the display area shall be calculated as the height of the awning or marquee multiplied by its width.

SIGN, PERMANENT – A sign permanently attached to the land or a structure by means of concrete, plaster, nails, bolts, screws or other material.

SIGN, TEMPORARY – A sign constructed of cloth, canvas, fabric, paper, cardboard, plastic, wood or other material and not permanently attached to the land or a structure.

IX. That Chapter 245 of the Code of the Village of Waterford, Racine County, Wisconsin, **Zoning**, Section 245-30, **Permits**, section A, **Permit Required**, subsection (1), is hereby amended as follows:

245-30A(1). No person shall erect, construct, enlarge, move, relocate or maintain any sign, billboard, spotlight or other lighted advertising display as regulated in this article or in any zoning district regulation without first obtaining a sign permit and paying the fee prescribed.

X. That Chapter 245 of the Code of the Village of Waterford, Racine County, Wisconsin, **Zoning**, Section 245-31, **Maintenance, Removal and Abandonment**, subsection B, **Abandonment**, is hereby amended as follows:

245-31B. Abandonment. All signs and sign messages shall be removed by the property owner or lessee of the premises upon which a sign or billboard is located when the business it advertises is no longer conducted, or, for a billboard, when lease payment and rental income are no longer provided.

- (1) All abandoned signs and sign messages shall be removed by the owner or lessee within 30 days of the vacation of the premises or discontinuation of the billboard rental. All sign structures and supports shall be removed by the owner if for a period of 12 months or longer the sign is composed of obsolete advertising matter or is without advertising matter.
- (2) If the owner or lessee fails to remove the sign, sign message, sign structure or sign supports, the Zoning Administrator shall give the owner 30 days' written notice to remove said sign, sign message, sign structure or sign support. Upon failure to comply with the notice, the Village of Waterford may cause the removal, the expense of which shall become a lien on the property upon which the sign, sign message, sign structure or sign support is located and shall automatically be extended upon the tax roll as a special charge against the property.

XI. It is further ordained that this ordinance shall become effective from and after its passage, public hearing, and publication as required by law. All other language as contained in Chapter 245 of the Code of the Village of Waterford shall remain without change and in full force and effect.

Introduced:

Passed and adopted:

BY ORDER OF THE VILLAGE BOARD

Thomas E. Roanhouse, President

ATTEST:

Vikki L. Zuehlke, Clerk